

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DANIEL MASCARENOS,

Plaintiff,

v.

Civ. No. 24-0352-KG-GBW

RIO ARRIBA COUNTY JAIL, *et al*,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff Daniel Mascarenos' failure to cure deficiencies as directed. Plaintiff was incarcerated when this case was filed and is proceeding *pro se*. He filed a Prisoner Civil Rights Complaint along with two Motions to Proceed *In Forma Pauperis*. (Docs. 2, 3, 4). The Motions do not attach an inmate account statement as required by 28 U.S.C. § 1915(a). By an Order entered July 11, 2024, the Court directed Plaintiff to file the six-month statement within thirty days. (Doc. 5). The Order warns that the failure to timely comply may result in dismissal of this case without further notice.

The deadline to submit a six-month inmate account statement was August 12, 2024. Plaintiff failed to comply or otherwise respond to the Order, which was returned as undeliverable. (Doc. 6). Plaintiff was released from custody and did not provide an updated address as required by local rule. *See* D.N.M. Local Civil Rule 83.6 ("All ... parties appearing *pro se* have a continuing duty to notify the Clerk, in writing, of any change in their ... mailing addresses"). For all of these reasons, the Court will dismiss the Complaint without prejudice under Fed. R. Civ. P. 41(b) "for failure to ... comply with [civil rules and] court orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003); *see also Salazar v. Arapahoe Cty. Det. Facility*, 787 Fed. App'x

542, 543 (10th Cir. 2019) (affirming dismissal order where plaintiff failed to “address[] the inmate account statement” as directed). The Court will also deny as moot Plaintiff’s pending Motions to Proceed *In Forma Pauperis*. (Docs. 2, 4).

IT IS ORDERED:

1. Plaintiff’s Prisoner Civil Rights Complaint (Doc. 3) is dismissed without prejudice.
2. Plaintiff’s Motions to Proceed *In Forma Pauperis* (Docs. 2, 4) are denied as moot.
3. The Court will enter a separate judgment closing this civil case.


UNITED STATES DISTRICT JUDGE